THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.3123 of 2004

Dated:24.08.2006

Between:

Darugupally Narasimha and others.

…Petitioners

and

The State of A.P., and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.3123 of 2004

ORDER:

The petitioners herein claim to be absolute owners of land admeasuring Acs.105.05 guntas from out of large extent of Acs.460.00 comprised in Survey Nos.111, 134 to 139, 146/A/1, 148 to 158, 159-A, 161, 162, 165, 166, 171, 178-180, 180/A, 183, 189-191 situated at Vattinagulapally Village of Rajendranagar Mandal, Ranga Reddy District. They also obtained necessary pattadar pass books and title deeds. The ninth respondent herein made a representation to the District Collector for correction of entries in the record of rights as per the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). The said representation being one dated 21.08.1999 was forwarded to the second respondent. When respondents 4 to 9 appear to have made the said representation, which was treated as a revision based on the report submitted by the Mandal Revenue Officer, Rajendranagar Mandal, dated 25.05.2001, the Joint Collector considered the same and by impugned order in Case No.D5/3214/2001, dated 06.01.2004, placing reliance on the registered documents executed by the fifth respondent in favour of the members of the ninth respondent, directed the Mandal Revenue Officer to delete the names of the pattadars and enter the name of the ninth respondent and issue pattadar pass books and title

deeds. This is assailed in the Writ Petition.

A perusal of the affidavit would show that the petitioners deny the execution of any registered General Power of Attorney (GPA) in favour of the fifth respondent based on which the fifth respondent allegedly executed large number of sale deeds in favour of the members of the ninth respondent. The petitioners also contend that if the land ceased to be agricultural land and a layout was prepared for the purpose of house sites, the provisions of the Act have no application. Therefore, they seek invalidation of the impugned order.

As noticed supra, when the representation was made to the District Collector it appears, the same was sent to the Mandal Revenue Officer for enquiry. He conducted enquiry and submitted a report on 25.05.2001. As noticed by the second respondent in his report, the Mandal Revenue Officer stated that the ninth respondent produced 1500 copies of registered documents executed by the fifth respondent as alleged GPA holder of the owners of the land during the years 1983-1986, that a layout was also approved by the Gram Panchayat, Vattinagulapally Village, and that out of total plots, 2735 plots are residential and 593 plots are reserved for community purpose. In its order the Joint Collector also noticed the same, but still proceeded as if it is agricultural land. This is certainly grave error in exercise of jurisdiction. There is no denial nor there can be one that the provisions of the Act are applicable only in relation to the land which is mainly used for the purpose of agriculture and when once the land is converted for non agricultural purposes, the question of issue of pattadar pass books and title deeds or effecting mutation or changes in the record of rights does not arise. If there is a dispute about the land which is non agricultural land the parties have to approach the civil Court for appropriate relief of declaration and injunction and mere changes or alteration of entries do not confer any right on the rival parties. Impugned order is unsustainable. However, this order does not enable the petitioners to dispossess respondents 4 to 9 or any other person if they are in possession of the land nor does it enable respondents 4 to 9 or others to dispossess the petitioners, if they are in possession.

The Writ Petition is accordingly, allowed. There shall be no order as to costs.

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(V.V.S.RAO, J)

24.08.2006
vs